

Message Text

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ACTION ARA-10

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E.O. 11652: N/A

TAGS: CASC (DAVIS, JOHN W)

SUBJECT: DAVIS FAMILY CASE DEVELOPMENTS

REF: BRASILIA 6963

1. SUMMARY: EMBASSY AND CONSULATE BELEM ARE CONTINUING TO PURSUE DAVIS CASE WITH THE APPROPRIATE GOB OFFICIALS, AND CONSULATE HAS CONVERSED AT LENGTH WITH DAVIS FAMILY MEMBERS. BRAZILIAN JUSTICE MINISTRY HAS FINISHED A REPORT ON JULY 3 INCIDENT BUT HAS EMPHASIZED THAT THE MATTER RESTS LARGELY IN THE HANDS OF STATE OFFICIALS. PUBLICLY DAVIS FAMILY EXPRESSES UNWILLINGNESS TO ACCEPT SOME SORT OF COMPROMISE POSITION AND AVERT FURTHER CONFRONTATIONS, THOUGH PRIVATELY THEY HAVE SHOWN INTEREST IN NEGOTIATING SALE OF LAND IF FAIR PRICE CAN BE OBTAINED. END SUMMARY.

2. EMBOFFS MET ON AUGUST 12 WITH DR. ALBERTO ROCHA, CHIEF OF THE CABINET OF THE JUSTICE MINISTRY. DR. ROCHA STATED THAT A COPY OF FEDERAL INQUIRY ON DAVIS CASE HAD BEEN RECEIVED WHICH SHOWED THAT THERE WAS NO SUBVERSION INVOLVED AND THAT NO OUTSIDE INTERESTS HAD CAUSED THE BASIC LAND DISPUTE PROBLEM. EMB WILL RECEIVE A SUMMARY OF THIS REPORT AFTER IT HAS BEEN TRANSMITTED TO ITAMARATY. DR. ROCHA EMPHASIZED THAT THIS IS ESSENTIALLY A STATE GOVERNMENT PROBLEM AND SAID THAT THE STATE PROSECUTOR HAD REVIEWED STATUS OF LAND LITIGATION AND URGED COURTS TO ACT WITH SPEED.

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3. DURING MEETING WITH DR. ROCHA, EMBASSY PASSED ON A LETTER TO MINISTER OF JUSTICE FALCAO FROM DAVIS FAMILY. IN THE LETTER THE DAVIS FAMILY REQUESTS THAT A FEDERAL SECURITY FORCE BE STATIONED ON THE FARM, A FULL REPORT BE DONE ON THE INCIDENT, AND THAT AN IMMEDIATE SOLUTION BE FOUND TO THE LAND PROBLEM. DR. ROCHA POINTED OUT THAT THE REPORT WOULD SOON BE RELEASED BUT THAT THE OTHER TWO REQUESTS WOULD NOT BE POSSIBLE. THE MATTER IS NOT OF FEDERAL COMPETENCE AND THAT THE LAND PROBLEM (WHICH IS A BRAZIL-WIDE, NOT JUST DAVIS PROBLEM) IS A JUDICIAL MATTER THAT DID NOT ADMIT AN EASY OR IMMEDIATE SOLUTION. DR. ROCHA DID STRESS, THOUGH, THAT THE FEDERAL GOVERNMENT WILL CONTINUE TO MAKE ITS INTERESTS KNOWN TO THE STATE AUTHORITIES. WE ARE CONVEYING THIS REPLY TO THE DAVISES.

4. IN CONVERSATIONS WITH EMBOFFS AND OTHERS, DAVIS FAMILY MEMBERS HAVE DEMANDED THAT THE BRAZILIAN GOVERNMENT EXPEL IMMEDIATELY ALL OF THE SQUATTERS. THE DAVISES ARE DISSATISFIED WITH STATE POLICE PROTECTION (CURRENTLY FOUR OFFICERS, WHICH THEY FEEL ARE INDIFFERENT TO MAURAUDING SQUATTERS), AND ARE UPSET BY THE LACK OF STATE COURT ACTION.

5. DAVISES REAFFIRM THEIR INTENTION TO STAY ON THE RANCH AND EMPHASIZE THAT "EVEL MUST NOT BE REWARDED." REVEREND YOUNG, BRASILIA PRESBYTERIAN MINISTER, REPORTED ON CONVERSATIONS HE HAD WITH EMMA DAVIS SR. AND A SAO PAULO BUSINESSMAN WHO DEALS WITH THE DAVISES. REVEREND YOUNG WAS IMPRESSED BY THE WAY IN WHICH MRS. DAVIS HAD BORNE UP UNDER THE INCIDENT BUT ALSO NOTED THAT SHE WILL NOT DISCUSS ANY COMPROMISE IN THIS MATTER. THE SAO PAULO BUSINESSMAN, WHO BUYS LUMBER FROM THE DAVISES, STATED THAT JOHN DAVIS, SR. DIDN'T TRUST ANYONE AND DIDN'T WANT TO DEAL WITH THE SQUATTERS. THE BUSINESSMAN FELT THAT THE DAVISES WERE ADOPTING A LEGAL POSITION THAT COULD NOT BE ENFORCED. HE STATED FURTHER THAT EMMA DAVIS HAD ALSO REACTED NEGATIVELY TO ANY MENTION OF COMPROMISE AND FEELS THAT PRESSURE SHOULD BE APPLIED TO REMOVE THE SQUATTERS. HOWEVER, DAVIS FAMILY TOLD CONSUL BELEM IN CONFIDENCE THAT THEY MIGHT BE PREPARED TO LEAVE CAPAZ PERMANENTLY, POSSIBLY TO SETTLE IN MARANHAO NEAR THE FARM OF LIMITED OFFICIAL USE

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THEIR DECEASED BROTHER, MICHAEL BRUCE DAVIS, IF THE LAND INVASION PROBLEM CAN BE RESOLVED AND IF THEY CAN SELL THEIR PROPERTY FOR SOMETHING APPROACHING ITS REAL WORTH. UNTIL THEN THEY FEEL THEY CANNOT LEAVE FOR SEVERAL REASONS. SO LONG AS THERE IS NO LEGAL RESOLUTION TO THE LAND INVASION PROBLEM NO ONE, PARTICULARLY THE CURRENT INVADERS, WILL BE WILLING TO BUY THE LAND. CONSEQUENTLY, THE DAVISES WILL BE UNABLE TO PAY OFF THE CAPAZ DEBTS TOTALING APPROXIMATELY

US \$150,000 WHICH THEY FEEL MORALLY, IF NOT LEGALLY, OBLIGED TO ASSUME. JOHN JR. ALSO FEELS STRONGLY THAT IF THEY SIMPLY PULL UP STAKES AND RUN LEAVING THE LAND TO THE INVADERS, "EVIL WILL HAVE BEEN REWARDED." HE SAID THE INVADERS MUST LEARN THAT THEY CANNOT HAVE WHAT IS NOT RIGHTFULLY THEIRS.

6. IN EMBOFF'S CONVERSATIONS WITH DR. ROCHA A SUGGESTION WAS MADE TO MAKE USE OF "INCRA"--BRAZILIAN LAND REFORM ORGANIZATION--AS AN INTERMEDIARY, SINCE COMMUNICATION BETWEEN DAVISES AND SQUATTERS IS POOR. DR. ROCHA FELT THAT THIS WOULD BE AN EXCELLENT IDEA. EMBOFF'S PLAN TO DISCUSS POSSIBILITY OF GREATER INCRA ROLE WITH INCRA OFFICIALS NEXT WEEK.

7. IN EMBS VIEW QUESTION IS FAR MORE COMPLEX THAN DAVIS FAMILY IS PREPARED TO ADMIT. SOME OF "SQUATTERS" ARE ASSERTING LEGAL CLAIM TO THE LAND BY VIRTUE OF YEARS OF OCCUPANCY, AND IT IS HIGHLY DOUBTFUL POLICE WOULD MOVE TO EXPEL THEM, AS DAVISES DEMAND, AS LONG AS THEIR CLAIMS ARE PENDING. HENCE KEY TO FINAL SOLUTION OF PROBLEM SEEMS TO BE RESOLUTION OF CLAIMS, AND THIS IS WHY WE HAVE BEEN PRESSING JUSTICE MINISTRY TO EXPEDITE COURT ACTIONS. ROCHA'S REACTION ON THIS POINT (PARA 3 ABOVE) WAS NOT ENCOURAGING INSOFAR AS EARLY RESOLUTION IS CONCERNED, BUT MIGHT HAVE BEEN ANTICIPATED IN LIGHT OF HIS PREVIOUS REMARKS ON SUBJECT. IT IS IN HOPES OF FINDING SOME MORE PROMISING MEANS OF RESOLVING CONFLICTING CLAIMS, PERHAPS OUT OF COURT, THAT EMB IS RESORTING AGAIN TO INCRA.

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